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IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA (HARRISBURG)

DEB WHITEWOOD, et al.,

Plaintiffs,

vs.

THOMAS W. CORBETT, in his
official capacity as Governor of
Pennsylvania, et al.,

Defendants.

Case No. 13-cv-01861-JEJ

(Honorable John E. Jones, III)

**DEFENDANT PETRILLE'S
MOTION TO DISMISS
PLAINTIFFS' COMPLAINT FOR
FAILURE TO STATE A CLAIM
UNDER FED. R. CIV. P. 12(b)(6),
AND FAILURE TO JOIN
PARTIES UNDER FED. R. CIV. P.
12(b)(7) AND 19.**

Defendant Petrille, by and through counsel, respectfully moves
that the Court Dismiss Plaintiffs' Complaint pursuant to Federal Rule
of Civil Procedure (FRCP) 12(b)(6), for failure to state a claim upon
which relief may be granted, and pursuant to FRCP 12(b)(7), for failure
to join parties under Rule 19.

A Brief in Support of this Motion to Dismiss will be timely filed in accord with L.R. 7.5 and the Court's order of September 13, 2013.

Respectfully submitted,

s/ Nathan D. Fox

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CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1, I hereby certify that counsel for the movant has sought concurrence in the motion from each party.

Counsel for Defendant Poknis have concurred in the motion.

Counsel for Defendants Corbett and Wolf have concurred with this motion under FRCP 12(b)(6), and concurrence was sought today for a motion to dismiss under 12(b)(7) but has not yet been confirmed.

Counsel for Plaintiffs have declined to concur in the motion.

Counsel for Defendant Hon. Kathleen Kane takes no position regarding the motion.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of September, 2013, I electronically filed the foregoing Defendant Petrille's Motion to Dismiss Plaintiffs' Complaint for Failure to State a Claim Under Fed. R. Civ. P. 12(b)(6) and Failure to Join Parties Under Fed. R. Civ. P. 12(b)(7), with the Clerk of Court using the ECF system, which will effectuate service of this filing on the following ECF-registered counsel by operation of the Court's electronic filing system:

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and I further certify that I have caused the foregoing document to be served by U.S. First-Class Mail on the following non-ECF participant:

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